

EX PARTE OR LATE FILED

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ORIGINAL

**USWEST**

Cyndie Eby  
Executive Director-  
Federal Regulatory

**ORIGINAL**

August 1, 1997

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AUG - 1 1997

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street N.W., Room 222  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE CLERK

RE CC Docket 96-98  
Implementation of Local Competition Provision of the  
Telecommunications Act of 1996

Dear Mr. Caton:

Attached hereto are copies of a letter that was delivered today to Regina Keeney, Chief of the Common Carrier Bureau, concerning the above-referenced proceeding. In accordance with Commission Rule 1.1206(a)(1), two copies of the letter are being served open you for inclusion in the public record. Acknowledgment and date of receipt are requested. A copy of this transmittal letter is provided for this purpose. Please contact me if you have questions.

Sincerely,

*Cyndie Eby*

**Attachments**

cc: Regina Keeney  
Kathleen Levitz  
A. Richard Metzger  
Carol Matthey  
Geraldine Matise  
Ken Nilsson  
Gregory Cooke  
Gregory Forbes  
Jeffrey Blumenfeld

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**Richard A. Karre**  
Senior Attorney

**USWEST**

August 1, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Regina Keeney  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, Room 500  
Washington, Decree Court 20005

RE: CC Docket 96-98, Implementation of Local Competition  
Provisions of the Telecommunications Act of 1996

Dear Ms. Keeney:

On June 10, 1997, Jeffrey Blumenfeld, counsel for Listing Service Solutions, Inc. (LSSI), submitted an ex parte letter regarding the provision of directory listings by local exchange carriers. I am writing to respond to LSSI's position regarding the provision of directory listings, and to respond to certain allegations in that letter regarding U S WEST.

LSSI identifies itself as a prospective provider of national directory assistance and call completion services for competitive local exchange providers. As such, it claims an absolute need for listings from the incumbent LECs. It further claims that the Commission's Second Report and Order in Docket 96-98<sup>1</sup> entitles it to those listings on just and reasonable terms.

LSSI claims "[i]t is impossible" to provide a national directory assistance service without directory listings provided by the incumbent LECs. LSSI is wrong. As LSSI notes, U S WEST Communications has begun to provide its own National Directory Assistance service to end users in two states. That service includes listings for all 50 states, 36 of which are outside U S WEST Communications' territory. In those 36 states, U S WEST Communications obviously does not utilize directory listings "obtained as a result of its monopoly position in local telephone service" to provide telephone numbers. In fact, U S WEST Communications obtains out-of-region listings from a vendor that is not affiliated with any incumbent LEC. LSSI is free to do the same.

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<sup>1</sup> Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 11 FCC Rcd. 19392 (1996).

LSSI's principal claim is that the Second Report and Order entitles it to directory listings from the incumbent LECs on just and reasonable terms. LSSI can obtain listings from U S WEST. It now obtains listings via U S WEST's tariffed electronic directory assistance, and U S WEST has offered its end-user subscriber list (EUSL) product to LSSI, as well. The issue, however, is the price at which U S WEST must make these listings available.

In its discussions with U S WEST, LSSI has taken the position that it is entitled to these listings at TELRIC or some other measure of forward-looking cost. Section 251(b)(3) requires all local exchange carriers to provide "competing providers of telephone exchange service and telephone toll service" with nondiscriminatory access to directory assistance and directory listings. In the Second Report and Order, the Commission adopted rules specifically addressing this requirement.<sup>2</sup>

U S WEST Communications will make directory listings available to competing providers of telephone exchange service and telephone toll service, as required by Section 251(b)(3), and it will do so at TELRIC. In its discussions with U S WEST, however, LSSI has never expressed an intent to provide either service; nor has it indicated that it wished to acquire listings on behalf of such a "competing provider." Indeed, LSSI has never asked to negotiate an interconnection agreement with U S WEST.

The Communications Act does not oblige U S WEST to provide directory listings at cost to every party who might request them. Section 251(b)(3) is very specific in this regard: it applies only to competing providers of exchange and toll services. The provision of directory assistance – without more – is not the provision of either of those services. Thus far, therefore, U S WEST has not agreed to provide directory listings at TELRIC to LSSI. If, however, LSSI can demonstrate that it qualifies as a competing provider of exchange and toll services,<sup>3</sup> U S WEST will, of course, fulfill its statutory obligations.<sup>4</sup>

LSSI asks the Commission to issue an order on reconsideration establishing its rights to obtain directory listings under Section 251(b)(3). To that extent, LSSI's letter is an untimely Petition for Reconsideration and must be rejected.<sup>5</sup> In any case, absent a showing that providing only directory assistance qualifies LSSI as a "competing

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<sup>2</sup> 47 CFR §51.217.

<sup>3</sup> LSSI's letter indicates it plans to provide call completion services. So far as we can determine, LSSI has never made mention of this plan in its discussions with U S WEST, and we have not considered whether such a service might qualify under Section 251(b)(3).

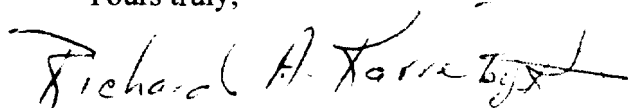
<sup>4</sup> Should LSSI qualify under Section 251(b)(3), it will have several options available to it. It can negotiate an interconnection agreement with U S WEST Communications, adopt one of the more than 50 interconnection agreements U S WEST Communications has entered into, or it can demonstrate that it wishes to acquire listings as agent for a carrier with a signed interconnection agreement.

<sup>5</sup> 47 CFR §1.106(f).

provider” of exchange and toll services, the Commission could not make the determination requested by LSSI. LSSI makes no attempt at such a showing.<sup>6</sup>

Please do not hesitate to contact me if I can answer any questions or provide additional information.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard A. Horvitz". The signature is fluid and cursive, with a long horizontal stroke at the end.

cc: Jeffrey Blumenfeld  
A. Richard Metzger  
Carol Matthey  
Kathleen Levitz  
Geraldine Matise  
Kent Nilsson  
Gregory Cooke  
Gregory Forbes

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<sup>6</sup> LSSI trumpets the decision of the California Public Utilities Commission ordering California LECs to provide directory listings to independent directory assistance providers. That decision is, of course, not binding on the Commission. Moreover, the CPUC makes no effort to explain how the mere provision of directory assistance satisfies the requirements of Section 251(b)(3), stating only that such a result is “consistent” with the Second Report and Order. Absent a better rationale, the CPUC decision is entitled to no consideration. Indeed, it runs directly contrary to the Act.